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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,710

07/25/2003

Costanzo Lorenzotti

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EXAMINER

MATZEK, MATTHEW D

ART UNIT

PAPER NUMBER

1771

MAIL DATE

DELIVERY MODE

06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/626,710	Applicant(s) LORENZOTTI ET AL.	
	Examiner Matthew D. Matzek	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16, 21, 23-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16, 21, 23-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 14-16, 21, 23-25, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Warlick et al. (US 2003/0127342).

Warlick et al. teach a nonwoven fabric comprising hydrodynamically entangled short-staple “cotton fibers” (Abstract). The term “cotton fibers” is intended to mean pure cotton fibers of less than $1\frac{1}{8}$ ” [0006]. The non-integrated batt of cotton fibers may vary between $\frac{1}{8}$ ” and 5” in thickness [0018]. Following hydroentangling the batt will be compressed from its non-integrated state. This results in a final product of the claimed thickness. The batts have a basis weight between 50g/m^2 and 200g/m^2 [0027]. This will not change following hydroentanglement. The invention of Warlick et al. is silent as to the weight per inch of fiber length, however as the invention of Warlick et al. is made with non-allergenic natural pure cotton fibers, which is the same as claimed by Applicant the fibers of Warlick et al. necessarily anticipates the limitation of claim 23. Claims 24 and 25 are rejected as the applied art teaches the use of cotton staple fibers and in Applicant’s specification it is taught to meet the instant limitations in [0041]. Claim 26 is rejected as the article of Warlick et al. calls for hydroentanglement (Abstract). This is same process (Applicant’s claim 14) used by Applicant to create the structure of claims 14 and 27. The invention of Warlick et al. is a nonwoven fabric of entangled pure cotton fibers to form a binderless integrated web [0005].

Response to Arguments

2. Applicant's arguments pertaining to the 112 2nd paragraph rejections, see Remarks, filed 5/18/2007, with respect to claims 14-16, 21, 23-25, 27 and 28 have been fully considered and are persuasive. Sufficient support for the preamble is provided in the specification. Even though the term "woven/nonwoven" may be misleading Applicant has appropriately defined it in the specification. The indefinite rejection of claims 14-16, 21, 23-25, 27 and 28 has been withdrawn.

3. Applicant's arguments pertaining to the prior art rejection filed 5/18/2007 have been fully considered but they are not persuasive.

4. Applicant argues that Warlick fails to teach or suggest "fibers consisting of pure cotton". As stated throughout the Warlick publication only "waste cotton fibers" are to be used. Waste cotton is pure cotton. Applicant is directed to paragraph 0003 of Warlick that describes exactly what fibers are to be used. Cotton fibers that are unsuitable for other uses, but are pure cotton nonetheless.

5. Applicant argues that Warlick teaches the use of a waterproofing chemical or a UV inhibitor in addition to the cotton fibers in paragraph 0020. Examiner would like to direct Applicant back to paragraph 0020 of Warlick that explicitly teaches that the aforementioned waterproofing and UV treatment is *optional* (emphasis added), and therefore not required by Warlick.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is 571.272.2423. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571.272.1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mdm *mdm*


Terrel Morris
Supervisory Patent Examiner
Group Art Unit 1771